Austin, Texas

MISCELLANEOUS.

Is the most genial balsam ever used postufierers from pulmonary diseases. It is composed of herbal products which have a specific effect on the throat and lungs; detaches from the air cells at irritating matter; causes it to be expectorated, and at once checks the in flammation which produces the cough A single dose relieves the most distress and enables the sufferer to enjoy quie rest at night. Being a pleasant cordial it tones the weak stomach, and I specially recommended for children.

What others say about Tutt's Expectorant. Had Asthma Thirty Years "I have had Asthma thirty years, and never found a medicine that had such a happy effect."

W. F. HOGAN, Charles St.

A Child's Idea of Merit NOAH WOODWARD, 101 N. Poydras St.

"Six, and all Croupy." MARY STEVENS, Frankfort, Ky. A Doctor's Advice. "In my practice, I advise all families to kee Tutt's Expectorant, in sudden emergencies, fo



THE TREE IS KNOWN BY ITS FRUIT "Tutt's Pills are a special blessing of the REV. F. R. OSGOOD, New York.

REV. F. R. OSGOOD, New York.

"I have used Tutt's Pills for torpor of the liver. They are superior to any medicine for biliary disorders ever made."

I. P. CARR, Attorney at Law, Auguste, Gs.

"I have used Tutt's Pills five years in my family. They are unequaled for costiveness and biliousness."—F. R.Wil.SON, Georgotown, Texas.

"I have used Tutt's Medicine with great benefit."—W.W. MANN, Editor Mobile Register.

"We sell fifty boxes Tutt's Pills to five of all others."—SAYRE & CO., Cartorsville, Ga.

"Tutt's Pills have only to be tried to establish their merits. They work like magic."

W. H. BARRON, 96 Summer St., Boston.

"There is no medicine so well adapted to the care of bilious disorders as Tutt's Pills."

JOS. BRUMMEL, Richmond, Virginis.

AND A THOUSAND MORE. Sold by druggists. 25 cents a box. Office 35 Murray Street, New York.

THIT'C ULID DAE uti o nain ui indorsed. HIGH, TESTIMONY. FROM THE PACIFIC JOURNAL.

HOW TO TELL Genuine Simmons's Liver Regulator with Goldsmith that

"Ill fares the land, to hastening ills a prey, Where wealth accumulates and men decay."

NEWSPAPERS that were connected

us of the good old times when plund-

erers were in power everywhere and

public sentiment evinces no sympathy

Grant. The pressure of hard times,

growing naturally out of the weight of

knaveries and taxation practiced

through eight years of Grant's

reign, renders popular assent

to Grant's re-election wholly im

want, but is infinitely to be preferred

than a soldier. The people, too, have

implicit faith in Hayes's personal and

A WASHINGTON special to the St.

truth, people that go abroad on Texas

railways, until a dozen highwaymen

SIMMONS REGULATOR REGULATOR OF MEDICINE the

TAKE NO OTHER.

Beware of those who know nothing of Medi ry way they can.

Look careful to the medicine you are induced to take for much suffering; permanent injury and even death has resulted from improper treatment, and from taking unskillfully prepared

Who Indorses the Genuine

HON, ÅLEX. H. STEPHENS.
RE. REV. JNO. W. BECKWITH, BISHOP OF GA.
GEN. JOAN B. GORDON, U. S. SENATOR.
RT. REV. BISHOP PIRICE.
HON. JOHN GILL SHORTER.
J. EDGAR THOMPSON.
HON, B. H. HILL.
HON. J. C. BRECKENEIDGE.
PROP. DAVID WILLS, D. D.
CHIEF JUSTICE HIRAM WARNER, OF GA.
LEWIS WUNDER, ASST. P. M., PHILA.
A thorsends of others from whom we have letand thousands of others from whom we have le

t is eminently a Family Medicine; and by be

Send for an almanac and convince ye Send for an admand and conveney volved that Simmons's Regulator is one of the few medicines that can be arrived upon as a safe and be careful! Be on your guard for frauds. Industroes and substitutes are numerous; they lay in walt to prey upon the public and to pirate upon the greatest liver medicine in the world.

Dr. Simmons's Liver Regulator

J. H. ZEILIN & CO., PHILADELPHIA

UPREME COURT.

W. P. DENORMANDIK, Clerk.

MISLAID.

WEEKLY DEMOCRATIC STATESMAN.

AUSTIN, TEXAS, THURSDAY, APRIL 18, 1878.

PROGRESSIVE WOES OF THE HIGHWAY ROBBERS.

We have often insisted that travel-Philadelphia newspapers deplore the ers on railways about Dallas should be departure from that commonwealth of armed and organized before reaching the vicinity of that sweet place, but dustry is prostrated, mills are idle, must still insist, despite facts, that mines unoccupied, railways bank these belligerent passengers must not rupted, and all that the rich may be fire into the Dallas mob congregated made richer and the poor poorer at the depot when each train passes by. Sherman is the impersonation of bank-The whole population of the interesting and bondholding selfishness, and ing town is not engaged in this awful the multitude starve even as syndicates business. Many of the leading lawyers are organized. From 1860 to 1870, as of Dallas are even now in Austin, and shown by census tables, Penusylvania the editor of the Herald is too fat to be grew in wealth 150 per cent., and in successful in the spoliation of mail population 57 per cent. In 1860 the trains. It is female trains that he er capita wealth of the people was most affects. He is always stepping \$487; in 1870, \$1081. This great on them to show how gracefully he wealth still exists - but the people can tip his beaver and assure the fair have it not Hunger and want precreatures, of what they knew before, vail everywhere, and bankrupted that there is nothing in it. But this armers, laborers and artisans are fleemail robbing business about Daling from their homes. How has this las is growing monotonous. The fearful revolution been wrought? Govdisorder might prove infectious. ernments have been directed exclusively The jolly highwaymen may be induced by bankers and Camerons and bond by the perfect impunity that attends holders, and employed, like corporate systems in Texas, to legislate money out the sphere of their operations, and disof the pockets of one class into patches like that we publish from Dalthose of another. Here petty knaves las may yet go out from Austin. It used incapable, imbruted voters does not harm Dallas, but would do seto destroy cities like Houston, while rious detriment to the fame of the cap in the East great States have their very ital, and it is earnestly desired that life blood crushed out of them by exmeasures may be adopted by the State actions imposed by money monopolists. authorities and others by which a pe-The rapid reduction of the volume of riod may be put to the recurrence of currency has lessened as rapidly the these incidents, as disgraceful to Texas value of farms and of their products, as to our systems of government and and each farmer who owed a debt two moral training of the people. years ago finds it doubly as difficult to pay as when the debt was contracted. FINALLY DONE FOR. Each farmer's dollar of to-day costs as much toil as two dollars two years ago. The sum required to close the con-Hopeless, helpless and penniless the tract with the bidders on propositions made by the directors of the Georgepoor are driven away, and their homes seized by the favored of Sherman. The town and Manor road is only \$1200. exodus of the many enriches the few, and thus syndicates are made powerful and the aristocracy of the East omnipotent. The streets of towns and vil- of the branch. It will be of the gauge lages of Pennsylvania swarm with of the Central, which will thus have its national debt. tramps and outcasts and idlers. Within terminus at Georgetown and, of course,

This sum will be secured along the line and the contract will be doubtless ex ecuted next week for the completion a brief period 300,000 working people make things lovely for Austin tradeshave been thrown out of employment, men, bankers and property-holders. Of and desperation follows in the track course this branch of the Central will then, a little rest. He has spent a of want, and Tom Scott's proposed not stop at Georgetown. It will be exstanding army of 100,000 men may tended year after year to the immense yet be required to repress the landed possessions of the Central in have an Assistant Secretary of the violence of a people reduced Comanche, Brown, Eastland, Coleman Navy who shall be a mere figure-head, to hopelessness and desperation that and other northwestern counties, and and wants, instead, an assistant who that their votes have not only been may not lose a penny. The public narrow gauge would have been if of frauds discovered by Mr. Thomperedit, as it is called, though it means matchless folly and selfishness could son and leaks that have been closed Sherman's special friends of the syndi- have been induced to save themselves are numberless, and slowly the departcates, must be maintained, even if a in saving Austin from a blow which ment he manages may be reduced to a million poor Pennsylvanians, bowed dwarfs it into final and hopeless perfect system, and then we may build down by the exactions of sailroad mag- poverty and unsignificance. It is no a navy; but not while the old threves nates and of bondholders upon State fault of ours and the sufferers have remain in office. and Federal governments, starve. Our none to blame besides themselves. ennobled bondholders are doing for ABOUT thirty years ago, when sol Pennsylvania what those of Ireland diers of the old American revolution have done for that hapless "gem of had been reduced to a very small num the sea," and we are forced to confess

ber, they still met annually. Distance interposed no obstacles and age and disease were defied till none were left the heroes of the war of Texas independence. The survivors of the Texas Travis county, are: Col. F. W. Johnson, Col. W. J. Russell, E. M. Pease, George Hancock, John M. Wade, O Wilcox, Andrew Neill, A. Deffenbaugh, George W. Davis, Lewis Wells, W. B. P. Gaines, John M. Swisher, Joseph S. Able, H. W. Raglin, Washington Anderson, Joseph Barnhart, S. H. Darden, with the purposes of these admirers of Desha Bunton, H. E. McCulloch, John C. Duval. These old and honored citand wives of veterans are especially in- gress and not Mr. Hayes is to be convited to participate in the coming celebration of the anniversary of the victory that made Texas free. The people of Austin should spare neither pains nor money to make it the grandest to his predecessor, and, if for no other event in Texan history and the names reason, because he is a civilian rather

and virtues of its soldiers ever honored official integrity. While Grant was not a rogue and was not directly bribed, Georgetown would prefer a cheap road | choice of any supporter of Hubbard yet he was a gift-taker, and they were and cheap narrow gauge freight and or of Throckmorton. The paper especially favored, like Murphy, who passenger rates to Austin to broad doubtless does Ireland injustice. He gave gifts. Grant, it is commonly gauge rates to Manor. Manor is not is not an ignoramus or a Rutabaga. He stated, is kept out of the country that the place at which they would deal does not hate railways or railway value; but here, by basely counterfeit he may not become involved in any en- with retailers, and Manor is not the builders, and is rather the friend of tangling alliances at home. It was not capital. Bully Rutabaga constitution. both. intended by his managers that al conventions never slosh around in he should discuss the silver bill, but a Manor, and goods at wholesale and reprivate letter from the ex-president on tail are not as abundant at the village this subject was unfortunately suffered as in the city. It would be easy, thereto see the light. It was published, fore, to change the purposes of Georgeand Grant pronounces himself the town. Twenty-five or thirty-five thousturdiest of bondholders and gold- sand dollars shaken at the good pecbugs, detesting greenbacks and the ple of the place would make it come silver bill. The production of this un- down. Then the fifty thousand dolfortunate letter was Grant's suicide. lars which Georgetown would invest The West and South concur at least in | in the narrow gauge would certainly adhesion to Pendleton's and Voorhees's pay a profit of six thousand dollars angreenback and silver platform, and nually, while the Central Company New England and New York will not | would coolly pocket the fifty thougive the country, in our time, another sand dollars invested in the Georgetown branch. Why not, therefore, convoke the Chamber of Commerce Louis Republican says that "train and

THE unwarrantable attack made up in Texas that the Postoffice Depart- on Major Savers through the News's nor Hubbard, of that State, asking that | tleman a reason for yindicating him he issue a proclamation of outlawry self, and this is done in a style so well and take more active steps in the rob- demonstrating the frank and open beries than have yet been taken. He character of this worthy gentleman is promised all the aid that the general | that we especially call the attention of government can give." It is surely a our readers to the facts in another bad state of affairs when the people article. Every man who knows anydare no longer to transmit money by thing about Sayers is ready to testify to mail or express. The other day the his unswerving honcity and to his Co. for \$69,790. The Treasurer cannot or in the broad Union a truer "mountain of flesh" and not of dirt, iron, an old horse-shoe. like this on such sums, and these bank- in the prime of life, and is possessed nies. ers become very useful. They are com- of an active and vigorous mind that pensated because they may pay him at leads him to success in all his underpar one-fourth of the sum due him in takings. We know that Sayers may warrants, and no charges are made by be trusted in all things, and this is the bankers. Under such circum- why many deem him worthy of any stances the robbery of trains about the gift at the hands of the people of capital will prove very profitless. In Texas.

Excland demands the unconditional are executed, should follow in the footwithdrawal of the treaty of San Stefano steps of the original apostles and take or its submission to the judgment of with them neither purse nor scrip. Europe. Each of the great powers de-But it is a sad condition to which law- mands a slice of Turkey and the Ruscosness reduces society, and so very sian bear is wolfish. The lion and fortunate that it comes even when unicorn and eagles and Bears will pro-versor Hubbard's career is drawing bably fight like other wild beasts and pirds of prey about it.

WADE HAMPTON says his success is CORRESPONDENT. due to the fact that he "kept his pledges made before his election,"

and yet the President's failure is due to precisely the same fact. He has stood by his letter of acceptance and party platform as if he supposed both invested with profoundest sanctity. But honesty of this sort does not suit party-leaders. Platforms do well and then they are only fit to be kicked have seen so much of this that they have no regard for platforms and pledges, and the conduct of Mr. Hayes astonishes the multitude and maddens Conkling and Blaine. THE St. Louis Republican thinks that the Democratic party has lowered it-

self in popular estimation by its conduct with reference to the ejection of Polk, and it was not unscathed when the Fitzhugh farce was enacted. In neither case was the purity of the officer and weakness of Congressmen was illustrated. The successor of Col. Polk is a rebel general, of whom the Repub lican says, if the Democrats continue to make such appointments and to deal as they have with their appointees, "they will get and deserve a thorough drubbing at the polls."

was about to pass the bell-punch liquor law the State's bonds advance I one per ever approached him, by letter or cent, in the market. It's astonishing what confidence the "bloated" bondholders have in the capacity of some people to absorb whisky. If the Dallas board of aldermen followed in the footsteps of the Louisiana Legislature, the paper of that town, signed by "Old Tige," would go howling up to an exwould be wholly needless. We don't see why Dallas, with the bell-punch, doesn't take a contract to pay off the

SECRETARY DICK THOMPSON says he life of ceaseless toil, and is to-day the most laborious of men. He refuses to

could not adopt this mode of taxing men, in which Austin and Dallas were whisky and of extinguishing a city ahead. Mr. Mott's committee exam-Georgetown or Lampasas. Bar-rooms Major Savers, as follows: not suffer whisky to become the greatest benefactor Austin has ever known by building for us the narrow gauge

and Florida has nothing to do with the validity of the President's title to his office. If the electoral commission act, under which Mr. Haves was inhis title is perfect. If Congress did wrong in passing this bill, then Condemned. Congress cannot repudiate the President without repudiating its ter; the one always makes as guess the own acts and stultifying itself.

proposed because of his hostility to the International, Texas Pacific and other Texas railways, as alleged by a paper supporting him, he will never be nom-It is plain enough that the people of insted. He cannot be the second

> POSTMASTER GENERAL KEY is de Hannibal's bowels of compassion and induce the good old creature to look will be well spent.

> THE New York State Capitol has al finished. The Texas Legislature, representing a greater State of the future, as five to one, than New York, thought it had done wonders when it set apart three million acres of land for the purpose of building a proper capitol for the broad commonwealth.

Rocky Mountain Tourist." A specimen copy will be sent without cost on

THE Boston Herald says: "Poor notes wickedness; on the knee, Polk! He is the scapegoat for the sins | weatthy wire, on the lower jaw of Congressmen; but then, he ought of a woman, sorrow and pain; in the not to have let them into the scrape." middle of the forehead, a discourteous

SENATOR WHYTE, of Maryland, ridi- the forebead, command, esteem and cules the Blair movement and says it is honor; on the left, near the hair, mis a sham having no popular sympathy or ery; on the left, near middle of fore-

as first of newspapers to propose the

re-election of Hayes.

SNIPING A NEWSPAPER AND ITS Synopsis of Decisions of the Court person from whose possession the prop-No. 667-E. R. Taylor v. The State of

In a letter from the Austin correspondent of the Galveston News, published in its columns, appeared the fol

It is covertly charged that Major Sayers, as chairman of the Democratic executive committee, in managing the election of a place for the convention viction, the fact that it found him counts the votes of the committeemen, guilty being sufficient to show a findaside till the next election. People and he is the returning board, and, ing against the truth of such plea. presuming him to be unscrupulous, will 2. Appellant assigned for error that return the place best suited to his pur-

To this most unnecessary and un warrantable attack Major Sayers replies in a letter to the News as follows: The charge, thus covertly made, is of a most serious character, and, if sustained, would be fatal to my reputation as a man of honor and integrity, from which I could and should never recover. I make haste to say that it is

As chairman of the Democratic State Executive Committee, I have heretoimpugned, and only the greed for office fore endeavered, and will continue to endeavor, to discharge my every duty fairly, fearlessly and justly, without No interests have controlled or will

control my actions in the premises other than such as will tend to the harmony, purity and success of the In the selection of a place for hold-ing the convention I have been guided entirely by the opinion of the commit-

member as to whether or not I have otherwise, upon the subject. But it is not my intention to rest upon a mere denial, and, as is customary in such cases, demand proof of the

I propose to go further and, assum ing the initiative as well as the burden of the proof, to show by indisputable estimony that the charge is a cruel and malicious slander, originated for the travagant premium, and other taxation purpose of doing me a lasting and i rep-

arable injury.
To that end, I have to carnestly request that you will at once see Judge Cleveland, who is one of the committee, and such other gentlemen of your city, who are well known throughout the State, as you may deem best to select, and have them-in connection with yourself-to examine the vote of the committee and make known to the public, through the News, whether or not it has been fairly counted.

I send you all the communications the question-in which you will find

Judge Cleveland being absent, the communications from the different committeemen were placed in the hands of Col. F. M. Mott, who, together with two well known citizens, cate the bell punch. They copied and a result exactly the same statement approved a paragraph from the STATES- which was formerly published in the MAN which asked whether a board of papers, showing the first, second and aldermen, without State legislation, third choice of the various committeedebt and building a narrow gauge to | ined the last vote, and gives it as does

> For Austin 16, Dallas 11; total 27 The vote as to the time of holding the convention was as follows: For May June 4, July 9, August 8, September 2 and October 1; total 25. The News and its correspondent were

> simply starting off on a big hunt, as innocently supposed, and have been most

Editorial Notes. The impecunious Chicagoan is pre paring to sing :

"Tinkle, tinkle, little punch, So glad you don't apply to lunch." Sardou says: "The toilet of an ac tress is what the envelope is to the letcontents of the other." "The book trade is affected, I sup-

pose, by the general depression. What kind of books feel it most?" "Pocketbooks," was the laconic reply. The thin, pious man, who is contin-

ually groaning over the wickedness of this world, is more troubled with dys- (Campbell v. The State, 2 Texas C. A. pepsia than blessed with religion. Henry Bergh on swill milk:"You send a man to prison for uttering a spurious coin or bank note, which cannot damage the receiver beyond its pretended

ing an indispensable article of food, and imposing it on the unsuspecting for what it is not, health is destroyed. lingering and distressing diseases are induced, and life itself destroyed with impunity, to say nothing of the torments inflicted on dumb animals." None of the Nez Perces drink liquor.

head Hannibal Hamlin. If Key unlock | They sell trinkets occasionally to visitors, and on several occasions these visitors from Leavenworth have brought bottles of whisky with which to ingraleniently at last upon the conduct of tiate themselves with the Indians. In the South the cost of the excursion every case the Indians have refused the liquor. It seems to be a part of their creed not to drink whisky, and the rule of the tribe not to drink intoxicating liquors, it is said, is not broken. They ready cost nine millions and 1sn't half are very religious, and have services of their own and a religious dance at sun-

Even now there exist people who be ber in which our forefathers believed young people. Stumbling in going luck to lay one's knife and fork cross knives, as it will cut away their love; to present anybody with a knife, scissors, razor or any sharp instrument To avoid ill consequence, a pin, a farthing or some trifling recompense must THE New York Herald says "Henry be given in return. To find a knife or Texas C. A. R., 333; Lindsay v. The course. There are men with Clay Dean is the Landmark of Temper- razor is unlucky. That it is ill-luck to State; Chambers v. The People, 4 to the Comptroller Ball, Hutchins & more glitter about them than Sayers ance." We never heard before that he find money and werse to keep it, may Scam., 357; Murray v. The State and to the Comptroller Ball, Hutchins & more glitter about them than Sayers ance." We never heard before that he seem paradoxical to many. It is lucky co.'s check on James H. Raymond & carries, but there lives not in Texas was a soiled dove. That he is a to find four-leaved clover, a piece of afford to pay express charges at a time gentleman than this man. He is and is nominally "Clay" nobody de- Moles are indicative of good or bad fortune, according to their position on the body. A mole against the heart de-

wealthy wife; on the nose, a traveller; and cruel mind; on the right side of head, persecutions from superiors; on the lip, a great eater; on the chin, riches; on the car, riches and respect; on The Democratic State convention,
Major Sayers announces, will be held
at the city of Austin July 17.

The Vermont Free Press wins fame
The Vermont Free Press wins fame

disposition; many moles between wrist and elbow, many crosses, which will end in prosperity.

Texas; appeal from Grayson. Opinion by Winkler, J. 1. Appellant in the trial below havng pleaded former conviction and not guilty, announced ready for trial and waiving a jury submitted the case to the court. Held, That it was not necessary that the court acting instead of a jury should find expressly for or against defendant's plea of former con-

the court below allowed evidence to be ntroduced which included the time included in a former trial, and in which former trial no particular time was proven except from January 1 to March 1, inclusive. Held, That the proposition amounts to simply this: that a person legally convicted of a given offense at any period within which a prosecution would be barred could not be legally tried for a similar offense alleged to have been committed within the same period, unless the prosecution were confined to some particular day or period of time, the fallacy of which position arises from not remembering the distinction between the latitude allowed the State in proving the offense and that required of the defendant in introducing evidence to show that he has before been tried and either convicted or acquitted of the same offense charged against him subequently to such conviction or acuittal-the State being only limited a proving the commission of an of ense by the time in which, by law, the tee, and I confidently appeal to each ffense may be prosecuted, whilst the defendant is held, in order to justify himself upon the ground of a former equittal or conviction, to identify by

leading and evidence the charge upon which he is proposed to be tried with the offense which he claims has been already adjudicated. (Campbell v. The State, 2 Tex. C. A. R., 187.) Judgment affirmed. No. 514-J. A. Reddick v. The State of Texas; appeal from Grayson.

Opinion by Winkler, J. The material questions raised by the ecord in this case are settled by case of Taylor v. The State, decided at present Austin term. (See also Camp bell v. the State, 2 Tex. C. A. R., 187. Judgment affirmed.
No. 665-Aleck Redick v. The State

of Texas; appeal from Grayson. Opinion by Winkler, J. Held, That the county attorney had authority to prosecute upon informa tion an offense for which a portion of the punishment may be by imprisonment in the county jail, (see Gen. from the several committeemen upon Laws 1876, p. 85, sec. 13 and seq.,) and that the county court properly took jurisdiction of a case so presented upon

> sec. 3.) 2. That it is not error in the cour below acting in place of a jury to fail to find expressly whether a defendant's plea of former conviction is true or untrue, the fact that the court finds the defendant guilty affording sufficient ground for presumption that its finding was against the truth of the plea of former conviction. (Taylor y. The State: decided at present term.

Judgment affirmed. No. 668-Aleck Reddick v. The State of Texas; appeal from Grayson. Opinion by Winkler, J. The material questions in this case were the same decided in the case of

Taylor v. The State, decided at the resent Austin term. Judgment affirmed. No. 669-E. R. Thylor v. The State of Texas; appeal from Grayson. Opinion by Winkler, J.

Appellant on his trial below pleaded not guilty; also, a plea of former acquittal and a plea of former conviction for the same offense. The jury found him a fine of twenty-five dollars, but was true or untrue. Held, That the Procedure (Art. 626, P. D., Art. 3091 seem to be inoperative, that when there are special pleas upon which the jury are to find they must say in their verdict that the matter alleged in such pleas are either true or untrue. (Drayton v. The State, 44 Tex. 446).

Reversed and remanded. No. 698-John Hines v. The State of Texas; appeal from Grayson. Opinion by Winkler, J. Appellant was indicted for keeping.

lealing and exhibiting a bank for the purpose of gaming and was convicted. Held, That the indictment was good under article 2051, Paschal's Digest,

that portion of the charge of the court

below relating to the subject of reason-

able doubt, and which is as follows:

of Texas; appeal from Lamar. Opinion by Winkler, J. 1. Appellant assigns as error that

"Should you have a reasonable doubt as to the guilt of the defendant, deduced from the testimony, he is entitled to the benefit of that doubt and should acquit him," was entirely incorrect. Held. That a charge couched in the language of the statute (P. D., 3105; Crim. Proced., 640) is all that the law requires (Murray v. The State, 1 Texas C. A. R., 417; Black v. The State, 1 Texas C. A. R., 368; Hampton v. The State, 1 Texas C. A. R., 652), but that a substantial compliance with the statute is sufficient, and that the insertion in the charge of the words "deduced from the testimony," after the words "reasonable doubt" is not error. 2. The appellant assigns as error the verbiage of the verdict of the jury and its form, the verdict being as follows: "We, the jury, find the defendant guilty as charged and assess the fine against defendant one hundred dollars. Held, That it is sufficient that a verfor the same offense and that mere ver bal defeats do not invalidate it. That verdicts are to have a reasonable intendment and to receive a reasonable construction and are not to be avoided unless from necessity originating in doubt of their import or immaterialit of the issue found or of their manifest tendency to work injustice, (1 Waterman on New Trials, 159, cited in 1 Judgment affirmed.

No. 788-Wm. Wells v. The State of Texas; appeal from from Dallas.
Opinion by Winkler, J.
1. Appellant was indicted for steal-

ing, and the indictment alleged that be "did fraudulently take, steal and sion of one Chin Chan, a Chinaman (a better description of whose name cannot be given by the grand jury)," etc., and the indictment further charged that the property alleged to have been stolen by appellant was "the cornered stolen by appellant was the stole stolen by appellant was "the corporeal personal property of said Chin Chang," etc. Held, That the certainty requisite in an indictment is such certainty as will enable the accused to plead the judgment that may be given upon it in bar of another prosecution for the same offense (Code of Crim. Proced., Art. 398, P. D., 2865), and that the above is not and

with the person whose the property was alleged to be (Good v. The State, 2 Texas C. A. R., 520).

2. Held, that it is sufficient in an inthe kind of money alleged to have been | no evidence necessary to support the stolen, whether gold coin or United States currency notes or United States on the first of March would or could national bank notes, and to state the have made out the offense charged Lawrence v. The State, 1 Texas C. A. R., 685; Ridgeway v. The State, 41 two offenses are shown by the aver-Texas, 231; Whart. Am. Crim. Law, ments of the special plea to be distinct, Sec. 363. For insufficient description and therefore it was not error in the see Martinez v. The State, 41 Texas, court to over-rule the plea without sub-164; Boyle v. The State, 37 Texas, 360.) 3. It was proven that the defendant | The State, 43 Texas, 347.)

induced a person to go to a place in order to have him robbed by an accomplice, and afterwards received a date of the offense charged, to prove part of the stolen property. Held, that that appellant had rented the house it was not error for the court to hold mentioned in the indictment and had in the charge to the jury such defendant to be a principal offender, nor was it was not error to permit this, the obit error for the court to refuse to charge | ject of the evidence being to show that the jury as to the law of receiving appellant was the keeper of said house.

stolen property. Judgment affirmed. No. 256-The State of Texas v. Chas. Morgan; appeal from Fannin. Opin-

This is an appeal on behalf of the State from a judgment of the district court setting aside a judgment nisi and than one hundred dollars. An appeal der was brought out of confusion. uashing the appearance bond upon dered. Held, that scire facias cases are criminal cases, and that, therefore, the appeal must be dismissed, the Constitution (Const., Art. 5, Sec. 26) pro- final, and that this court has no jurisviding expressly that "the State shall have no right of appeal in criminal in such cases. (Const., art. 5, sec. 16;

Appeal dismissed. No. 594—Henry Williams v. The State of Texas; appeal from Lamar. Opinion by White, J.

Appellant was indicted and conricted for an aggravated assault and battery. No testimony appears to have been adduced going to show in what county and State the offense was committed. Held, That no name having been proven, the judgment must be reversed and the case remanded.

Reversed and remanded. No. 247-The State of Texas v. Nancy J. Dickerson, J. J. Cothran, M. E. from Lamar. Opinion by Ector,

In this case the bond upon which the case, the appeal must be dismissed. (Const. Art. 5, Sec. 26.)

Appeal dismissed. No. 666-J. D. Crawford v. The State of Texas; appeal from Grayson.

Held, That it is not necessary for the court acting instead of a jury to pear by attorney when his case was say that the matters contained in a called for trial in order to avoid the of our local affairs, and even went defendant's special plea in bar are true | forfeiture. or untrue. (Taylor v. The State, decided in this court at present Austin term; Campbell v. The State, 2 Tex. C. A. R., 187.) In jury trials the jury should say that such pleas are true or untrue. (P. D., 3091; Denton y. The State, 44 Tex., 446.) Judgment affirmed.

No. 670-H. Bassett v. The State of Texas; appeal from Grayson. Opin-

ion by White, I. Appellant was indicted as H. Bassett. for a misdemeanor, but the testimony lisclosed his true name to be Charles Bassett, it being developed, however, that he was the person intended by the grand jury. Appellant seeks a reversal on the ground of the variance between the allegation in the indictment | tain in this State. (Ex Parte Willie and the proof, contending that Arts. 34 Tex., 155.) That by the act of sey 2037 and 2038 of Paschal's Digest rethan capital, and are not applicable to tice in cases of felony and of misdemeanor is the same; that when the defendant is arraigned and his name as stated in the indictment distinctly Jackson v. The State, 11 Ohio State, called, unless he suggests by himself his true name, it shall be taken that ment, contending that the offense his name is truly set forth, and he shall not thereafter be allowed to deny the same by way of defense. (The court | That the grade of the offense charged cited 1 Bish. Crim. Proced., 21 Ed., in the indictment determines the juris-

6 677; also 2 Hale, P. C., 238; 1 Chitty C. L., 202, as to the practice at common law). That under the provisions of the Texas Stat. (P. D., 2493), the common law rules apply when the code fails to provide a rule of procedure in my particular state of case as in this instance; that the rule of procedure (P. No. 756-James M. Bland v. The State D., 2937,) in felony cases has already been held by this court to apply in cases of misdemeanor (Foster v. The

State, 1 Tex. C. A. R., 531.) Judgment affirmed. No. 707-James Lee v. The State of Texas; appeal from Lamar, Opinion by White, J. Where the evidence is such as fully

Ev., 6 108; Ward v. The State, 41 Tex. o sustain the verdict, and the jury is properly charged by the court as to Term, 1877.) the law of the case, this court will not disturb the verdict of a jury. Judgment affirmed.

No. 644-Kate Lowe v. The State of Texas; appeal from Parker. Opinion by White, J. 1. Appellant was indicted for keep

ing a disorderly house, the indictment * that on, etc., Kate Lowe did keep a house for the purpose of public prostitution and as a common resort for prostitutes and vagabonds and which was then and there a disorderly house," etc. Appellant moved to quash the indictment because the offense was not properly described. Held, That under the statute (P. D. 2027) and the many decisions heretofore rendered by the Supreme Court and this court, the allegations in the indictment are amply sufficient to charge the offense of keeping a disorderly house. (Ada Thompson v. The State, 1 Tex., C. A. R., Thompson 'v. The State, 2 Id., 82; Brown v. The State, 2 Id., 189; Killman v. The State, 2 Id., 222; Sylvester v. The State, 42 Tex., 496; Cora Morris v. The State, 38 Tex., 603.) ing that the information against her, ingham Palace, says: "Such a display upon which she was formerly tried and of naked arms, bosoms and shoulders acquitted, was filed on the thirtieth of was never beheld by daylight before.

common law by such pleas, the general rule with reference to such pleas being that, in order to entitle a party to invoke them, the crime charged against which they are pleaded in bar and the fortune from the sale of a short-horn

erty was alleged to have been stolen the evidence necessary to support the with the person whose the property second indictment would have been sufficient to procure a legal conviction upon the first (Whart, Am. Cr. L. Sees. 565 and 566; Thomas v. The State, 40 dictment for stealing money to describe | Texas, 36); but in this instance that case tried upon the information filed denomination and value of each piece in the indictment of April 28, no proof in plain and intelligible language, em- necessary to sustain the first charge beneaning of which is understood by all. | quent to the date of filing the first in formation, March 30, 1877, That the

> mitting it to the jury. (Boggess v behind the month of April, the occupied it ever since. Held, that Judgment affirmed.

> No. 705 -D. M. Cherry v. The State of Texas; appeal from Lamar. Opinion

by Ector, P. J. Appellant was tried and convicted in the court of a justice of the peace, and | does not remember his short adm his punishment assessed at a fine of less | tration as a model for economy? was taken to the county court, resulting in his being again convicted and fined in an amount less than one hun-dred dollars. Held, That the judgment of the county court in such cases is diction to hear and determine appeals | use him, unable to overawe him, acts Fifteenth Leg., p. 18, sec. 3.) Appeal dismissed.

No. 721-W. T. Neaves, I. P. Gross it is a part of the glory of Texas. Ar and John McAllister v. The State of it makes no difference who is Gove Texas; appeal from Montague. Opin- nor of the State, nor how great

ion by Ector, P. J. Appellants Cross and McAllister and ministration a model worthy of one B. T. Newett were the sureties on itation. bail-bond of W. T. Neaves, who was I The Frontiershan, regarding the encharged with a misdemeanor punish- thusiasm in favor of Throckmorton able by fine. When his case was Northern Texas, says: "They called for trial Neaves was absent, but back to the times when taxation appeared by attorney. His bond was light and extravagance unknown forfeited and judgment nisi entered J. Dickerson, J. J. Cothran, M. E. against him and his sureties. At the Cothran and G. W. Wells; appeal succeeding term Cross and McAllister appeared and answered that the judgment should not be made final because the forfeiture was illegal, Neaves Throckmorton is the man for the adgment nisi was rendered was having appeared by attorney when his uashed and the cause dismissed by case was called for trial. The court the lower court, to which ruling the overruled this plea and made the judg-State excepted and gave notice of ap- ment final, a nolle pros having been that no man loves his State more peal. Held, That a scire facias on a first entered against Newett. Held, he, in all its parts and bounds and lim forfeited bail bond or recognizance is a criminal case, and that no appeal befense punishable by fine alone, if he has nized ability, his administrative pow sureties, when proceeded against by cire facias on such forfeited ball-bond, may show that defendant did so ap-

Reversed and remanded.

April 10, 1878. No. 284-Samuel Horberger v. The State of Texas; appeal from Parker. Opinion by Ector, P. J.

Appellant was indicted for stealing seven hundred rails, valued at five dol lars per hundred, from a fence, the property of one Spracklin. He was any, was not a theft but a tresnas things annexed to the realty should be er may be the dispatch employed in th 5 Blackf., 417; for doctrine in Ohi-104; see also 31 Cal., 671.) Appellant moved in arrest of jude

proven being a misdemeanor, the dis trict court had no jurisdiction. Held diction. (3 sec. act of June 16, 1876.) Judgment affirmed.

April 10, 1878. No. 645-Charles Williams y. The State of Texas; appeal from Parker. Opinion by Ector, P. J. 1. Reld, That the declarations of defendant made at the time of doing the act charged as an offense and expressive of his intent are admissible as part of the res gesta, such declarations so made being regarded as "verbal acts" indicating a present purpose and inten-

tion, and are admissible in proof like

any other material facts. (1 Green.

612: Davis v. The State and Gilham v. The State, Court of Appeals, Tyler jury along with the principal fact, their admissibility being determined by the court, according to the degree of their

relation to that fact and in the exercise of his sound discretion. 3. That the declarations of a defendant made subsequent to the doing of stituting part of the act done but explanatory of a previous fact, are not ad-missible in evidence in his favor. (Noves cently, all the old forms were v. White, 19 Conn., 250; Scraggs v. The

State, 8 Speed & Marsh, 722.) 4. That the fact that the testimon with a defendant, and tried at the same time with defendant and acquitted, is material to defendant's case, is as will not produce a she new trial. (Lyles v. The State, 41 | lah. Foremost at a fight, a fre Tex., 172; Huebner v. The State, Court | funeral; his generous nature of Appeals, Galveston Term, 1878.

Reversed and remanded. April 10, 1878.

A London correspondent, referring to the recent court reception at Buck-March, 1877, and charged the offense | The corsage ala Jeanne d'Are is scarceto have been committed on the twenty-fourth of March, 1877, whilst the infor-the figure, and the skirt so strained as rosy kiss." We don't believe it be done, Ruth. The young man we mation in the present case was filed on the twenty-eighth of April, 1877, and charged the offense to have been artist's model stands before him in wet committed on the twentieth of drapery. The one novelty was the in-April, 1877. Appellant complains troduction of the jardiniere, a small that it was error in the court basket either of very fine wicker-work he "did fraudulently take, steal and below to over-rule this plea, and not or gilt or silver filagree. It is made flat in the saddle; at noon she turn carry away from and out of the posses-

Fancy prices for blooded horses and blooded cattle are not so common in ment that may be given upon it in bar of another prosecution for the same of another prosecution for the same offense (Code of Crim. Proced., Art. 398, P. D., 2865), and that the above is not such a variance as would invalidate the indictment, there being sufficient in the indictment to identify the

THE STATESMA TERMS:

WEEKLY DEMOCRATIC STATESMAN

the third district: Col. F. E. J of Denton; Judge Silas Hare, of man; Judge Watts, of Weather Amzi Bradshaw, of Ernis; Col. We of Denison; Col. W. L. Crawford, Olin Welborn, Judge John J. Go Col. John M. Stemmons, Gen. W. Campbell and Judge J. M. Thu

The Henderson Times says: hear very little said in regard to the election of a representative to Cons from this district, but we believe Judge Reagan is more popular with his constituents than any other Texas con gressman. While we have seve good men in the district who are worthy to succeed Judge Reagan, we believe, as they do, that there is plenty of time for them to serve in the national legislature. Our present re resentative is doing good service, we believe that he will be renomin by acclamation."

In 1866 amidst great confusion, when lawlessness reigned almost supremand when a military despotism awe the whole people, Throckmorton be upon the duties of his office. W lic debt was paid and the whole expense of administration of the Statupon a levy of just one-fourth of the State taxes now imposed. Upable military power of the United St displaced him. But they could a displace the record of his administration tion. That is a monument of the pr wisdom, he will find in this short as

patriotism and his ability. They kno

Hon. John Hancock is reported, by t

Sun, as talking in this wise: was very severe upon the manager far as to charge corruption and di honesty, upon whom we could not up We do not know wheth he meant that the State governs was corrupt and dishonest in all 1 parts, or only in part. He did chare however, that the public money, stead of being paid out over the ter of the State treasury, was han out at the back door to favorites wh used it in buying up, at a disco paid by the treasurer with the money." The Georgetown Record, the same subject, says: "The spec reviewed the financial condition of State during the past eight years: taxation is eight times greaterlike one and one-eighth per can while the State then had its account all paid and \$300,000 surplus in 000,000 in debt." "Civis," who se the STATESMAN the paragraphs, ad 'John Hancock is too careful wary a politician, as well as to perienced a statesman, to hazard assertions without facts to back l and the great Demogratic party Texas, before the meeting of its convention, is certainly entitled to an el

planation from parties implicates

rents since the panic, and now a sounce that they will again red them on the first of May.

During M'me Janauchek's twenty

even years of stage life, she has re

ceived from emperors, kings, que and the nobility of Empe, les worth \$125,000. "What is your chief consc life?" asked a pastor of a young

don't like to tell you bis name, bu have no objection to telling you whi he lives. The late Pins IX, disco Count Pasr, the Austrian Amb

Senator Lamar sent this sent faith, his own; no clime to

We don't know Ruth Natalie well, but we judge she is a very c be done, Ruth. The young man we become exhausted before the

had half turned, tor, and works on three or four bition; then she goes with her chisher group of "Medea." At 2 o'c she takes up the brush and works large painting; at nightfall she is a roles, or attending to her corr

ence. In the evening she app every other county in the St